

#### OFFICERS

**Walter W. Fondren, III**  
Chairman

**Venable Proctor**  
Vice Chairman

**Mitch Brownlee, Jr.**  
Vice Chairman

**David Cummins**  
President

**Michael Kennedy**  
Vice President

**Russell Kent**  
Vice President

**Gus Schram, III**  
Vice President

**Pat Murray**  
Vice President  
Director of Conservation

**Rob Donlin**  
Secretary

#### EXECUTIVE BOARD

N. DeGraaf Adams  
Bruce Arendale  
Chris Barker  
Jeffery Barnum  
Sherman Baynard  
David Beyer  
Bill Bird  
William Blanchet  
Curtis Bostick  
Douglass Boyd  
Chester Brewer  
Bob Brumby  
Billy Byrd  
Gus Camacho  
P. Grey Cane, III  
Mark Carter  
Gaylord "Rocky" Chase, Jr.  
Patrick Cowles  
Bill Curry  
Bill Daugherty  
William Dodds  
Rich Donaldson  
William Easterling  
F.J. Eicke  
Greg Fairey  
Carter Fournier  
Edward Francis  
George Geiger  
Terry Gray  
J. Scott Green  
Christopher Harbuck  
Charles Harter, III  
David Hawkins  
Richard Hoban  
Tom Hollingshead  
Angela Hult  
George Huye  
Claude C. Jennings, Jr.  
Alex Jernigan  
H. Cary Kresge, Jr.  
Kirk LaVigne, Jr.  
Gary Loomis  
William McGinley  
Frederic Miller  
Kandy Niebauer  
David Nobles  
Will Ohmstede, Sr.  
Matt Olson  
Dexter Peacock  
L. Don Perkins  
Thomas Raffetto  
Charles Rawson  
Mark Ray  
John Roberts  
Rick Roberts  
Christopher Roos  
Nelson "Snoop" Roth, Jr.  
Don Russell  
Bill Schwarlose  
Chris Smisek  
Michael Smith  
John Stec  
Timothy Strickland  
Donald Swanson  
Ben Vaughan, III  
Ben Vaughan, IV  
Jeffrey Verrill  
Rusty Vincent  
John Walther  
Troy Williamson, II  
Charles Witek, III

**Judy Shaw**  
Director of State Development

**Ted Venker**  
Communications Director



## Coastal Conservation Association

TEXAS • LOUISIANA • MISSISSIPPI • ALABAMA • FLORIDA • GEORGIA  
SOUTH CAROLINA • NORTH CAROLINA • VIRGINIA • MARYLAND • NEW YORK  
CONNECTICUT • MASSACHUSETTS • NEW HAMPSHIRE • MAINE • OREGON • WASHINGTON

March 27, 2009

Mr. Peter Hood  
Southeast Regional Office  
National Marine Fisheries Service  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701

*Sent Via Email: <http://www.regulations.gov>*

RE: Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish  
Fishery of the Gulf of Mexico; Bottom Longline Petition

Dear Mr. Hood:

The Coastal Conservation Association (CCA) requests the National Marine Fisheries Service (NMFS) take immediate action to address sea turtle interactions in the bottom longline component of the commercial Gulf reef fish fishery. Recently, two petitions were filed with NMFS calling for immediate action to prevent continued incidental takes of sea turtles in this fishery. The petitions provide NMFS with appropriate legal options to either prohibit bottom longlines in waters shallower than 55 fathoms pursuant to the Magnuson-Stevens Act (MSA) by amending the fishery management plan for the reef fish fishery to prevent sea turtle bycatch or by closing the fishery under the Endangered Species Act (ESA) as a result of sea turtle takes that far exceed the incidental take statement from the 2005 biological opinion for the fishery.

CCA asserts NMFS has the legal authority and standing under both laws to take immediate emergency action to mitigate sea turtle bycatch or incidental take in this fishery and should do so prior to further regulatory procedures. Moreover, NMFS has the legal obligation under both the MSA and the ESA to act expeditiously to prevent further mortality of loggerhead sea turtles in the federally managed Gulf reef fish fishery.

NMFS last visited sea turtle bycatch in the Gulf reef fish long line fishery in 2005 when it concluded that over a three-year period the incidental take would not jeopardize the continued existence of the species so long as it did not exceed some

### 30 Years of Conservation

**Dedicated to the Conservation and Protection of Marine Life**

6919 Portwest Drive, Suite 100 • Houston, Texas 77024 • Fax (713) 626-5852 • (713) 626-4234  
[www.JoinCCA.org](http://www.JoinCCA.org)

Mr. Peter Hood  
March 27, 2009  
Page 2

85 takes over the period. Recently disclosed observer data shows a take of over 1,000 turtles in an 18-month period, comprised mostly of loggerhead sea turtles. The two petitions ask the agency to remedy this either under the MSA or ESA.

To date, the agencies response has been to further delay through unnecessary process any attempt to fix this clear conservation problem. The agency has been collecting the data on these by catches since 2006, and yet it took almost 18 months to release information to the public and allow a corrective path to be followed. Once the data was public, the agency decided to proceed with a public comment period at the Gulf Council and after some four months was directed by the Council to move the gear out to 50 fathoms. Now, the agency is treating the 60-day notice under the ESA as a petition for rule making. All of this is designed to avoid taking the necessary action and either close the fishery or move the gear to an area where the data suggests little interaction will occur with listed species.

CCA supports the action by the Gulf of Mexico Fishery Management Council to request that NMFS implement emergency regulations to prohibit bottom longlines for reef fish inside of 50 fathoms in the eastern Gulf of Mexico to avoid sea turtle bycatch. As to the two "petitions," the agency has all of the authority it needs to implement emergency regulations under the MSA and ESA and should do so forthwith.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Cummins", written in a cursive style.

David Cummins  
President